

House Bill 126

By: Representatives Bearden of the 68th, Fleming of the 117th, and Butler of the 18th

A BILL TO BE ENTITLED

AN ACT

To amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to provide that a verdict in a felony case, other than a case involving the death penalty, shall be agreed to by at least 11 of the 12 jurors; to provide that a verdict in a criminal case in which the death penalty is sought shall be agreed to by all 12 jurors; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising Code Section 17-9-21, relating to receipt of verdicts, to read as follows:

"17-9-21.

(a) Verdicts shall be received only in open court, in the absence of agreement of the parties.

(b) Verdicts in felony cases, except those cases in which the death penalty is sought, shall be agreed to by at least 11 of the 12 jurors. In cases in which the death penalty is sought, the verdict shall be agreed to by all 12 of the jurors."

SECTION 2.

This Act shall become effective on July 1, 2007, and shall apply to all cases filed on and after such date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.